

**Federal Defenders
OF NEW YORK, INC.**

Southern District
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May 11, 2020

VIA ECF

Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
United States Courthouse
40 Centre Street
New York, New York 10007

MEMO ENDORSED

Re: *United States v. Brian Smith et al.*, 20 CR 236

Dear Judge Failla:

With the consent of the government and Mr. Smith's co-defendant, I write to seek an adjournment of the next pre-trial conference scheduled in the above-referenced matter. Currently, the next conference is scheduled for May 12, 2020. The parties ask for an adjourned date in July. The additional time is needed to continue review of discovery, which has been complicated and delayed by logistical issues related to the COVID-19 pandemic. Both defendants consent to the exclusion of time for speedy trial calculations until the adjourned date.

I hope you and your loved ones remain safe.

Respectfully submitted,

/s/ JULIA GATTO

Julia L. Gatto

Assistant Federal Defender

cc: AUSA Christopher Clore (via ECF)
Nola Heller, Esq. (via ECF)

cc: AUSA Andrew Chan (via email)
USPO Tandis Farrence (via email)

Application GRANTED, with similar wishes for the safety and good health of those who read this endorsement and their loved ones. The status conference currently scheduled for May 12, 2020, is hereby ADJOURNED to July 27, 2020, at 11:00 a.m. in Courtroom 618 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York.

With the parties' consent, the time between May 12, 2020, and July 27, 2020, is excluded under the Speedy Trial Act. The Court finds that the ends of justice served by excluding such time outweigh the interests of the public and the Defendants in a speedy trial because it will permit Defendants to continue reviewing discovery materials.

Dated: May 11, 2020
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE